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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,522	02/10/2004	Matthew G. Goodman	ASMEX.433A	1057

20995 7590 03/31/2006

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EXAMINER

MACARTHUR, SYLVIA

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,522

Applicant(s)

GOODMAN ET AL.

Examiner

Sylvia R. MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 12-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al (US 5,226,056).

Re claim 1: Kikuchi et al teaches a plasma ashing method and apparatus wherein a first load platform 16 and a second load platform 51 are provided.

The first load platform 16 is mounted on element 15 which is located outside of the second platform, see Fig.16. See also Figs. 11 and 15 which illustrate the first platform mounted outside of the second platform.

Re claim 2 and 3: Fig. 15 illustrates the first load platform is higher and is located above the second load platform.

Re claims 5 and 6: Fig. 18 illustrates a plurality (three are illustrated) of pins.

Re claim 7: Col. 13 line 17 cites that the pins are made of quartz.

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Re claim 8,9, and 11: Element 51 is a heating means, inherently comprising a heating source and is a susceptor, see abstract and col. 8 line 50.

Re claim 10: This claim is a matter of an intended use as an apparatus is what it is and the apparatus of Kikuchi et al is inherently depositing epitaxial silicon.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. The teachings of Kikuchi et al were discussed above.

Kikuchi et al fails to teach the distance between the two platforms.

Kikuchi et al does teach that they are at distance to ensure front and back face processing, see col. 9 lines 1-11. According to In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions

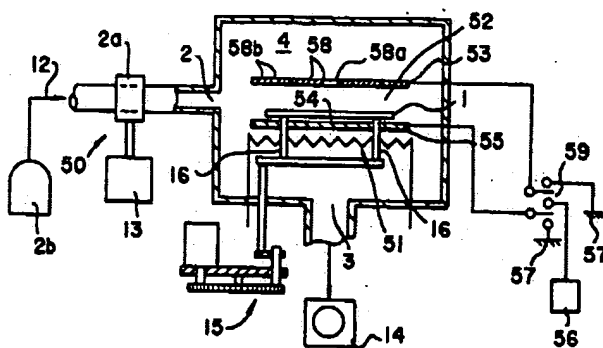
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would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

Thus, it would have been obvious that the distance between the first and second load platforms are at least 10mm such that this distance is the optimal distance for front/backside processing of the wafer.

Response to Arguments

5. Applicant's arguments filed 1/18/2006 have been fully considered but they are not persuasive. Applicant argues the first load platform of Kikuchi is not outside the second load platform but the examiner disagrees.



Kikuchi (US 5,226,056), Fig. 16

Applicant's further argues that the first platform is not mounted outside *of the perimeter of the* second load platform. The examiner first notes that applicant has not amended the claim to reflect this clarification. Nevertheless, the examiner defines perimeter as outer limits or boundaries of. In this case the examiner's interpretation of the perimeter of the second load platform is illustrated with a box, seen in the altered figure of Kikuchi below.

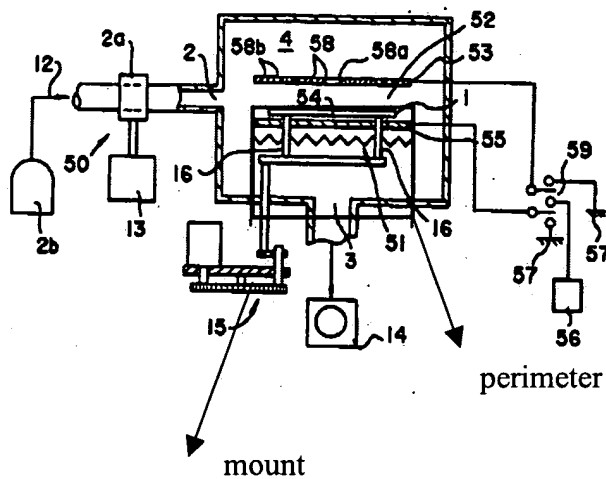


Fig. 16 of Kikuchi (altered by the examiner)

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner wishes to introduce the prior art by Nguyen (6,641,672) which illustrates a first load platform 172 that is mounted to a portion of the bottom floor of the chamber and is located outside the perimeter of the second load platform 148, se Fig. 4.

The prior art of Arai (US 2003/0075109) is also introduced to illustrate a first load platform 13 which are mounted onto the floor of the chamber (outside of the perimeter of the second load platform) and are provided through the second load platform.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

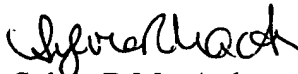
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438. The examiner can normally be reached on M-F during the core hours of 9 a.m. and 3 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER


Sylvia R MacArthur

Patent Examiner

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March 24, 2006